

IN THE UNITED STATES DISTRICT COURT
WESTERN DIVISION OF ARKANSAS
EL DORADO DIVISION

JAYSON WAYNE CARROLL

PLAINTIFF

VS.

Civil No. 06-CV-1047

LARRY CHANDLER, District Court
Judge, Magnolia, Arkansas; DAVID
BUTLER, Prosecutor, Magnolia,
Arkansas; DAVID TALLEY, JR.,
Public Defender, Magnolia, Arkansas;
CALVIN KNIGHTON, Sheriff, Columbia
County, Arkansas; and REBECCA JONES,
Prosecutor, Magnolia, Arkansas

DEFENDANTS

ORDER

Now on this 6th day of September, 2006, comes on for consideration the proposed findings and recommendations filed herein on August 15, 2006, by the Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas. Ten (10) days having passed without objections being filed by the parties, the court hereby adopts in toto the findings and recommendations.

Accordingly, the court finds that the following claims should be and are hereby dismissed on the grounds the claims are frivolous, are asserted against individuals immune from suit, or are not cognizable under § 1983: (1) all claims against Larry Chandler; (2) all claims against David Butler and Rebecca Jones; (3) all claims against David Talley, Jr.; (4) all claims stemming from events occurring more than three years prior to the filing of the complaint on April 24, 2006; (5) all malicious prosecution and defamation claims; (6) all challenges to the actions taken by the state court in connection with CR-2004-88A and CR-2005-42A as well as any determination regarding visitation rights concerning plaintiff's son; (7) all false arrest, improper charge, and false incarceration claims. 28 U.S.C. § 1915(e)(2)(B)(I)-(iii)(IFP action, or any portion thereof, may be dismissed on such grounds at any time). To the extent the claims stemming from the currently pending escape charge

are not barred by *Heck*, abstention under *Younger* is appropriate. Carroll's claim that Sheriff Knighton used excessive force shall remain.

IT IS SO ORDERED.

. */s/ Harry F. Barnes*
.
.
HARRY F. BARNES
U.S. DISTRICT JUDGE